

REMARKS

Applicants hereby elect with traverse to prosecute in this application the specific activity against *Corynebacterium xerosis* (disclosed on page 15, line 4) and the specific compound sucrose myristate (disclosed in formulation examples 4, 8 and 9, on pages 28, 30 and 31). All of the claims currently pending are readable on the elected species. Applicants reserve the right to prosecute any subject matter not examined here in one or more divisional applications.

Applicants have amended the claims above, in order to place the claims in conformance with conventional U.S. practice. New claim 8 is fully supported in the specification at page 17, and by original claim 1. New claim 9 covers subject matter previously included in claim 7 and is fully supported thereby.

Regarding the traversal, Applicants request that this be held in abeyance until it is clear how the Examiner intends to use the species election. At this time, the full scope of claim 8 is pending and it may be that the Examiner will end up examining the full scope or a scope that is reasonable under the circumstances and not objectionable to Applicants. Applicants respectfully assert that a limitation of Applicants' claims to a single activity against a single organism using a single compound in would be an insufficient reward to Applicants in exchange for their invention and application.

Applicants presume that the Examiner will be proceeding in accordance with MPEP § 803.02, in which case Applicants can expect that the entirety of claim 8 will be examined, provided no relevant prior art is uncovered.

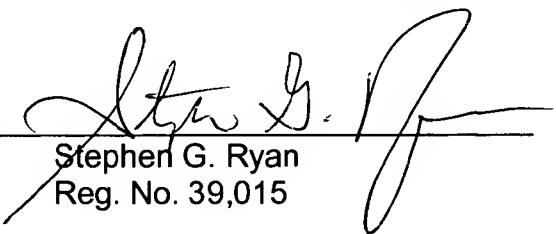
However, if the Examiner does not intend to proceed in accordance with MPEP § 803.02, then Applicants would appreciate an explanation from the Examiner explaining why the procedure is not being followed.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on June 28, 2000.

NORRIS, McLAUGHLIN & MARCUS, P.A.

Date: June 28, 2000 By

